

House File 136 - Introduced

HOUSE FILE _____
BY WENDT and WHITEAD

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to representation of the department of human
2 services in juvenile court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1180HH 83
5 jm/nh/8

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1 1 Section 1. Section 232.71C, subsection 1, Code 2009, is
1 2 amended to read as follows:
1 3 1. If, upon completion of an assessment performed under
1 4 section 232.71B, the department determines that the best
1 5 interests of the child require juvenile court action, the
1 6 department shall act appropriately to initiate the action. If
1 7 at any time during the assessment process the department
1 8 believes court action is necessary to safeguard a child, the
1 9 department shall act appropriately to initiate the action.
1 10 The county attorney or attorney general shall assist the
1 11 department as provided under section 232.90, subsection 2.

1 12 Sec. 2. Section 232.90, subsection 2, Code 2009, is
1 13 amended to read as follows:
1 14 2. a. The county attorney shall represent the department
1 15 in proceedings arising under this division.
1 16 b. However, if there is disagreement between the
1 17 department and the county attorney regarding the appropriate
1 18 action to be taken, the department may request to be
1 19 represented by the attorney general in place of the county
1 20 attorney. If the attorney general appears in juvenile court,
1 21 the attorney general shall represent the department and the
1 22 county attorney shall represent the state. For purposes of
1 23 this paragraph, the department shall not be considered the
1 24 state.

1 25 Sec. 3. Section 232.114, subsection 2, Code 2009, is
1 26 amended to read as follows:
1 27 2. a. The county attorney shall represent the department
1 28 in proceedings arising under this division.
1 29 b. However, if there is disagreement between the
1 30 department and the county attorney regarding the appropriate
1 31 action to be taken, the department may request to be
1 32 represented by the attorney general in place of the county
1 33 attorney. If the attorney general appears in juvenile court,
1 34 the attorney general shall represent the department and the
1 35 county attorney shall represent the state. For purposes of
2 1 this paragraph, the department shall not be considered the
2 2 state.

2 3 Sec. 4. Section 232.180, Code 2009, is amended to read as
2 4 follows:
2 5 232.180 DUTIES OF COUNTY ATTORNEY.
2 6 Upon the filing of a petition and the request of the
2 7 department, the county attorney shall represent the state in
2 8 all adversary proceedings arising under this division and
2 9 shall present evidence in support of the petition as provided
2 10 under section 232.90 unless the attorney general appears in
2 11 juvenile court on behalf of the department as provided in
2 12 section 232.90, subsection 2.

EXPLANATION

2 14 This bill relates to representation of the department of
2 15 human services in juvenile court.

2 16 The bill provides that if the attorney general appears on
2 17 behalf of the department of human services because of a
2 18 disagreement between the department and the county attorney
2 19 regarding the appropriate action to be taken in a juvenile
2 20 case, the attorney general shall be considered to represent

2 21 the department and the county attorney shall be considered to
2 22 represent the state in the case.
2 23 LSB 1180HH 83
2 24 jm/nh/8